

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed on December 7, 2005. Previous replies, submitted on April 6, 2005 and September 21, 2005, are hereby incorporated by reference herein, since remarks presented therein remain pertinent as to the rejections set forth in the present Office Action dated December 7, 2005. This Reply encompasses a bona fide attempt to overcome the rejections raised by the Examiner and presents amendments as well as reasons why Applicant believes that the claimed invention, as amended, is novel and unobvious over the applied prior art. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Status of the Claims

Claims 1-24 were pending. Claims 1-24 were rejected. Claims 1, 5-11, 14-15, 19, and 22-24 are amended herein to make certain feature(s) of the claimed invention more explicit. No claim is cancelled herein. Claim 25 is newly added. Support for the amendments to the claims submitted herein can be found in the Specification as originally filed, particularly on page 1, paragraph [0002], page 3, paragraph [0010], page 7, paragraph [0035], page 8, paragraphs [0037]-[0041], and page 9, paragraph [0051]. No new matter is introduced. By this Amendment, claims 1-25 are pending.

Rejections under 35 U.S.C. § 102

Claims 1-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. US 2004/0205452 A1 ("Fitzsimons"). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As submitted in the above-referenced previous replies, Fitzsimons is distinguishable under 35 U.S.C. § 102(e) from the claimed invention as set forth in claims 1-24 for various reasons. For example, although Fitzsimons discloses master templates that have elements common to several individual templates, these templates/master templates appear to facilitate the transformation of *converted* data. More specifically, according to the cited paragraph [0077] of Fitzsimons, *converted* data 256 is flowed into a view template and its page elements. In other words, in Fitzsimons, a data conversion server (DCS) 221 or tool (DCT) 253 would perform the first pass on an initial data set 201 from a content data repository 201b and a data transformation client tool (DTCT) 222 would perform the second pass on data that has already been converted (Fitzsimons, Figure 2). During the first pass, DCS 221 seems to use output device templates 119c to convert source data and template/device format types to target data and template/device format types (Fitzsimons, paragraph [0064], lines 8-10). Thereafter, DTCT 222 seems to use document/view/style templates 224 to enable a user to view desired data and to further convert the data into other desired formats using corresponding output device templates (Fitzsimons, paragraph [0073], lines 11-12 and 17-19, paragraph [0074], lines 1-3, paragraph [0078], lines 14-17). For example, Fitzsimons teaches that, upon a user selecting an output template/device, the output device template is loaded and the current template's data is transformed 258b

into the now loaded output device template and re-flowed (Fitzsimons, paragraph [0079], lines 12-16).

Fitzsimons mentions that, in an alternative embodiment, the DCT functionality may be integrated into the DTCT (Fitzsimons, paragraph [0094], lines 19-21). Fitzsimons, in paragraph [0078], lines 18-21, states that “there may be master templates that have elements *common* to several individual templates for various and disparate output devices, i.e., template collections.” Within the context of Fitzsimons, specifically paragraph [0078] and paragraphs referencing FIG. 3, these master templates appear to be the master templates of document/view/style templates 224 into which *converted* data is flowed by DTCT 222. These master templates do not appear to generate output device templates 119c. Thus, even assuming the DCT functionality is integrated into the DTCT, Fitzsimons at best discloses first converting source data 201 from a content repository 201b using individual output devices templates 119c (i.e., data conversion templates) and *then* providing master (style) templates for individual document/view/style templates 224 into which converted data 256 is flowed for viewing, editing, and perhaps further converting. Fitzsimons does not teach or suggest how to generate a plurality of output device templates for source data conversion using selective information from a master style template.

In contrast, as recited in independent claim 1 and similarly in independent claims 10, 19, 22, and newly presented claim 25, embodiments of the invention are capable of:

- examining non-display-formatted service data corresponding to a selected service to be displayed on one or more target devices or classes of devices;

- defining in a master style template a plurality of blocks of data corresponding to markup languages and presentation capabilities of the target devices or classes of devices;

- creating a plurality of service templates using one or more blocks of data selected from the master style template; and

configuring each service template for converting the non-display-formatted service data into markup language data adapted to be displayed on one of the target devices or classes of devices.

In other words, embodiments of the invention as recited in independent claims 1, 10, 19, 22, and 25 can create a plurality of service templates (i.e., output device templates) for the initial, non-display-formatted source data conversion using information selected from a master style template, reciting subject matter not anticipated and not reached by Fitzsimons under 35 U.S.C. § 102(e). Having distinguished Fitzsimons, independent claims 1, 10, 19, 22, and 25 and dependent claims 2-9, 11-18, 20-21, and 23-24 are submitted to be allowable over Fitzsimons under 35 U.S.C. § 102(e). Withdrawal of the rejections is accordingly requested.

Applicant further respectfully submits that embodiments of the invention as set forth in claims 1, 10, 19, 22, and 25 can be practiced without an essential element of Fitzsimons while retaining the element's function. Specifically, embodiments of the invention as set forth in claims 1, 10, 19, 22, and 25 can convert, at a server, non-display-formatted data into a target-specific markup language format suitable for display on specific target devices without a data transformation client tool (DTCT) as disclosed in Fitzsimons. Omission of an element and retention of its function is an indicia of unobviousness. *In re Edge*, 359 F.2d 896, 149 USPQ 556 (CCPA 1966). Accordingly, claims 1, 10, 19, and 22 are submitted to be non-obvious over Fitzsimons and thus patentable under 35 U.S.C. § 103.

Conclusion

Applicant has now made an earnest attempt to place the present application in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, favorable consideration and a Notice of Allowance of all pending claims 1-25 is respectfully solicited. The Examiner is invited to telephone the undersigned at the number listed below for discussing an Examiner's Amendment or any suggested actions for accelerating prosecution and moving the present application to allowance.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant



Katharina W. Schuster
Reg. No. 50,000

Date: March 3, 2006

1301 W. 25th Street, Suite 408
Austin, TX 78705
Tel. (512) 637-9229
Fax. (512) 371-9088